REMARKS

I. INTRODUCTION

Claim 17 has been amended above remove a minor informality, and not for any reason that may relate to patentability thereof. Claims 1-29 and 31-42 are under consideration in the present application. No new matter has been added.

II. RESTRICTION REQUIREMENT SHOULD BE WITHDRAWN

As an initial matter, Applicants respectively note that the present application has a lengthy prosecution, i.e., filing of additional claims 15-37 in an Amendment after First Office Action dated September 23, 2002, three (3) subsequent non-final Office Actions, three (3) respective responses thereto, an indication in the fourth non-final Office Action that many of the claims in the application are allowed or would be allowed if rewritten in independent form (as applicable), and finally Applicants' Amendment that amends all claims to be allowed (to comply with the indication by the Examiner).

Now, *for the first time*, the Examiner issued a restriction requirement for the claims previously pending in the application as of September 23, 2002. Indeed, all of such claims have been examined multiple times, and subjected to four (4) subsequent Office Actions, and Applicants' responses thereto. At no time during such prosecution were there any indication provided by the Examiner that certain groups of claims of above-identified application are distinct from one another. It is respectfully asserted that if any such issue with the claims should have been raised at least upon the filing of claims 15-37 in the Amendment dated September 23, 2005, and ***not*** after

most of the claims have been indicated as being allowed or allowable by the Examiner. Applicants believe that such action by the U.S. Patent and Trademark Office has caused undue delays, inappropriate, and is prejudicial to Applicants' rights afforded under the United States laws. At least for these reasons, the Restriction Requirement should be withdrawn.

Further, turning to the specifics of the Restriction Requirement provided in the latest Office Action, the Examiner alleges that certain groups of claims of above-identified application are distinct from one another. For such reason, the Examiner believes that the restriction of claims is proper, and now requires Applicants to elect one of the following groups:

Group I: claims 1-14, 34, 36 and 38-40 are drawn to image partitioning, allegedly classified in class 382, subclass 240; and

Group II: claims 15-29, 31-33, 35, 37, 41 and 42 are drawn to modeling and simulation, allegedly classified in class 703, subclass 2.

Applicants hereby respectfully traverse the restriction requirement set forth in the Restriction Requirement, but provisionally elect Group II, i.e., claims 15-29, 31-33, 35, 37, 41 and 42.

In particular, the Examiner believes that the groups of claims identified above are distinct from one another. Applicants respectfully disagree, and submit that the claimed inventions recited in both Group I (i.e., claims 1-14, 34, 36 and 38-40) and Group II (i.e., claims 15-29, 31-33, 35, 37 and 41-42) recite subject matter that has been

extensively examined, and indicated to be allowable over the art of record. Indeed, there would be absolutely no burden on the Examiner to continue examining the claims of both Groups I and II in the same application, since the Examiner already extensively and profusely searched the prior art associated with such groups, and indicated such claims as being allowed and allowable.

Therefore, for at least these reasons, the Examiner is respectfully requested to withdraw the Restriction Requirement contained in the Office Action.

Respectfully submitted,

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